

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THE SELECT FAMILY OF STAFFING
COMPANIES,

Plaintiff,

V.

THE UNITED STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Defendants.

No. 2:10-cv-02534-JPM-tmp

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Applicant,

V.

THE SELECT FAMILY OF STAFFING COMPANIES

Respondent .

No. 2:10-cv-02589-JPM-tmp

ORDER ADOPTING REPORT AND RECOMMENDATION and
DIRECTING CLERK OF COURT TO ADMINISTRATIVELY CLOSE CASE

Before the Court are the following motions: the Equal Employment Opportunity Commission's ("EEOC") Motion to Dismiss the Complaint (Case No. 10-2534, D.E. 7), and the EEOC's Application for Order to Show Cause Why an Administrative Subpoena Should Not Be Enforced (Case No. 10-2589, D.E. 1). The Court referred the motions to the Magistrate Judge for a report and recommendation on November 16, 2011. (D.E. 18.) On March 23, 2011, Magistrate Judge Tu M. Pham submitted his Report and

Recommendation, recommending that the Court dismiss both actions pursuant to the parties' agreement.¹ (D.E. 39.)

According to the Report and Recommendation, the parties have entered into an agreement "on all matters before the Court." (Report and Recommendation on EEOC's Mot. to Dismiss Compl. and Application for Order to Show Cause Why Subpoena Should Not Be Enforced and Order Den. as Moot Select Family's Mot. to Strike Decl. of Katherine Kores ("Rep. and Rec.") (D.E. 39) 2.) The parties agree that the subpoena enforcement action (Case No. 10-2589) and Select Family's Complaint (Case No. 10-2534) should be dismissed. (Id.) The parties further agree that "[t]he Court will retain jurisdiction over any dispute arising concerning the terms or requirements of the agreement, but the Court will administratively close the case pending notification by the Parties that the agreement has been fully performed." (Id.)

Upon de novo review of the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation in its entirety, and dismisses both actions, Case Nos. 10-2589 and 10-2534, subject to the parties' agreement as stated in the Report and Recommendation.

¹ Pursuant to the parties' agreement, the Magistrate Judge denied as moot The Select Family of Staffing Companies' Motion to Strike Declaration of Katherine Kores (Case No. 10-2534, D.E. 16), which was referred for determination on November 16, 2010 (D.E. 17). (See D.E. 39.)

As a result of the parties' agreement, the Court finds that this case should be ADMINISTRATIVELY CLOSED for statistical purposes. Once the agreement has been fully performed, the parties shall notify the Court and file an appropriate stipulation of dismissal pursuant to Fed. R. Civ. P. 41. Unless the stipulation has been filed before April 1, 2012, the parties are hereby instructed to file a written status report of the settlement with the Court on or before April 1, 2012.

SO ORDERED this 24th day of March, 2011.

/s/ JON PHIPPS McCALLA
CHIEF UNITED STATES DISTRICT JUDGE